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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,389	12/21/2001	Ronald E. Cole	1007-0542 / M7273.1	1177

7590 02/10/2003

Mark D. Becker  
Emerson Appliance Controls  
2831 Waterfront Parkway East Drive  
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EXAMINER

MELWANI, DINESH

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 02/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/027,389

Applicant(s)

COLE, RONALD E.

Examiner

Dinesh N Melwani

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 12/21/01 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Specification***

2. The disclosure is objected to because of the following informalities: Page 17, line 3 discloses that flange (68) includes mounting holes or bores (74), however, Fig. 3 shows that a single mounting hole or bore is located on plate (66) instead of the flange (68).

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Recitation of the phrase “configured to” renders the claim indefinite since the phrase appears to be an attempt to recite a claim element as performing a specified function where no specific performed function is associated with the phrase. Furthermore, recitation featuring the “single, quick-connect terminal interface” renders the claim(s) indefinite since it is not understood how the recitation further limits the claimed subject matter since the single quick-connect terminal interface is associated as being an intended use of the claimed invention and,

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secondly, the feature is not required of the claimed invention where the "single quick-connect terminal interface" is not positively cited as a critical element of the claimed invention.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartzell (U.S. Patent No. 6,315,336) in view of Barnett (U.S. Patent No. 4,374,320). Swartzell discloses a door latch module substantially as claimed; wherein said module comprises a support (10), a motor (24) maintained on said support, a latching mechanism (see Fig. 1) maintained by said support and driven by said motor, a plurality of switches (34/36) maintained on said support, and a plurality of terminals (A) associated with said switches. Swartzell does not positively disclose that the plurality of terminals are configured to connect to a single terminal interface, however, it is disclosed that said switches are connected to the oven control. Barnett discloses a motorized oven door latch control that teaches the use of a switch (200) having plural sets of terminals configured to connect to a single quick-connect terminal interface. As it concerns claim 3, Swartzell's switches (34/36) are actuated by said motor. In regards to claims 4, 11, and 18, Swartzell further discloses the use of a door position switch (54 in Fig. 3). Regarding claims 5, 12, 13, 19, and 20, Swartzell also includes a flat cam plate (32) in communication with and driven by said motor, said flat cam plate operative to actuate at least some of said plurality of

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switches, see col. 4, lines 9-17. As it concerns claims 6 and 7, Swartzell also includes a reciprocating cam (26) coupled to said motor and said flat cam plate. Furthermore, said reciprocating cam is to said latching mechanism and operative to drive said latching mechanism. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Barnett, in regards to the use of a switch having plural sets of terminals configured to connect to a single quick-connect terminal interface a control, to centralize the control center of the various oven functions.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bergquist (U.S. Patent No. 4,345,144), Gilliom (U.S. Patent No. 3,875,372), Ellingson *et al.* (U.S. Patent No. 4,510,777), Drouin (U.S. Patent No. 4,109,637), Lewis (U.S. Patent No. 4,136,667), Phillips (U.S. Patent No. 6,079,756), Gilliom (U.S. Patent No. 3,859,979), Arute *et al.* (U.S. Patent No. 4,593,945), Henne (U.S. Patent No. 5,072,974), Reeb (E.P.A. No. 0,348,319), Onderka *et al.* (U.S. Patent No. 5,062,668), Smith (U.S. Patent No. 6,302,098), Malone *et al.* (U.S. Patent No. 6,474,702), and Genbauffe *et al.* (U.S. Patent No. 5,029,910) substantially disclose the present invention as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh N Melwani whose telephone number is 703-305-4546. The examiner can normally be reached on M-F, 8:30-6 except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4115.

DNM

January 31, 2003



J. J. SWANN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600